



## Senate

General Assembly

**File No. 494**

January Session, 2015

Substitute Senate Bill No. 961

*Senate, April 7, 2015*

The Committee on Commerce reported through SEN. HARTLEY, J. of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING THE DELIVERY AND TARGETING OF ECONOMIC ASSISTANCE TO SMALL BUSINESSES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 32-7g of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 (a) There is established within the Department of Economic and  
4 Community Development the Small Business Express program. Said  
5 program shall provide small businesses with various forms of financial  
6 assistance, using a streamlined application process to expedite the  
7 delivery of such assistance. The Commissioner of Economic and  
8 Community Development, at his or her discretion, may partner with  
9 the lenders in the Connecticut Credit Consortium, established  
10 pursuant to section 32-9yy, in order to fulfill the requirements of this  
11 section. A small business eligible for assistance through said program  
12 shall [, as of June 15, 2012,] (1) employ [, on at least fifty per cent of its  
13 working days during the preceding twelve months,] not more than one  
14 hundred employees, (2) have operations in Connecticut, [(3) have been

15 registered to conduct business for not less than twelve months, and (4)]  
16 and (3) be in good standing with the payment of all state and local  
17 taxes and with all state agencies.

18 (b) The Small Business Express program shall consist of various  
19 components, including (1) a revolving loan fund, as described in  
20 subsection (d) of this section, to support small business growth, (2) a  
21 job creation incentive component, as described in subsection (e) of this  
22 section, to support hiring, and (3) a matching grant component, as  
23 described in subsection (f) of this section, to provide capital to small  
24 businesses that can match the state grant amount. Said program shall  
25 also include a loan fund and a CT FAST Funds program, established in  
26 collaboration with private sector lenders doing business in  
27 Connecticut, as described in subsection (g) of this section. The  
28 Commissioner of Economic and Community Development shall work  
29 with eligible small business applicants to provide a package of  
30 assistance using the financial assistance provided by the Small  
31 Business Express program and may refer small business applicants to  
32 the Subsidized Training and Employment program established  
33 pursuant to section 31-3pp and any other appropriate state program.  
34 Notwithstanding the provisions of section 32-5a regarding relocation  
35 limits, the department may require, as a condition of receiving  
36 financial assistance pursuant to this section, that a small business  
37 receiving such assistance shall not relocate, as defined in [said] section  
38 32-5a, for five years after receiving such assistance or during the term  
39 of the loan, whichever is longer. All other conditions and penalties  
40 imposed pursuant to [said] section 32-5a shall continue to apply to  
41 such small business.

42 (c) The commissioner shall establish a streamlined application  
43 process for the Small Business Express program. The small business  
44 applicant may receive assistance pursuant to said program not later  
45 than thirty days after submitting a completed application to the  
46 department. Any small business meeting the eligibility criteria in  
47 subsection (a) of this section may apply to said program. The  
48 commissioner shall give priority for available funding to small

49 businesses creating jobs and may give priority for available funding to  
50 (1) economic base industries, as defined in subsection (d) of section 32-  
51 222, including, but not limited to, those in the fields of precision  
52 manufacturing, business services, green and sustainable technology,  
53 bioscience and information technology, and (2) businesses attempting  
54 to export their products or services to foreign markets.

55 (d) (1) There is established as part of the Small Business Express  
56 program a revolving loan fund to provide loans to eligible small  
57 businesses. Such loans shall be used for acquisition or purchase of  
58 machinery and equipment, construction or leasehold improvements,  
59 relocation expenses, working capital or other business-related  
60 expenses, as authorized by the commissioner.

61 (2) Loans from the revolving loan fund may be in amounts from  
62 [ten] one thousand dollars to a maximum of one hundred thousand  
63 dollars, shall carry a maximum repayment rate of four per cent and  
64 shall be for a term of not more than ten years. The department shall  
65 review and approve loan terms, conditions and collateral requirements  
66 in a manner that prioritizes job growth and retention.

67 (3) Any eligible small business meeting the eligibility criteria in  
68 subsection (a) of this section may apply for assistance from the  
69 revolving loan fund, but the commissioner shall give priority to  
70 applicants that, as part of their business plan, are creating new jobs  
71 that will be maintained for not less than twelve consecutive months.

72 (e) (1) There is established as part of the Small Business Express  
73 program a job creation incentive component to provide loans for job  
74 creation to small businesses meeting the eligibility criteria in  
75 subsection (a) of this section, with the option of loan forgiveness based  
76 on the maintenance of an increased number of jobs for not less than  
77 twelve consecutive months. Such loans may be used for training,  
78 marketing, working capital or other expenses, as approved by the  
79 commissioner, that support job creation.

80 (2) Loans under the job creation incentive component may be in

81 amounts from [ten] one thousand dollars to a maximum of three  
82 hundred thousand dollars, shall carry a maximum repayment rate of  
83 four per cent and shall be for a term of not more than ten years.  
84 Payments on such loans may be deferred, and all or part of such loan  
85 may be forgiven, based upon the commissioner's assessment of the  
86 small business's attainment of job creation goals. The department shall  
87 review and approve loan terms, conditions and collateral requirements  
88 in a manner that prioritizes job creation.

89 (f) (1) There is established as part of the Small Business Express  
90 program a matching grant component to provide grants for capital to  
91 small businesses meeting the eligibility criteria in subsection (a) of this  
92 section. Such small businesses shall match any state funds awarded  
93 under this program. Grant funds may be used for ongoing or new  
94 training, working capital, acquisition or purchase of machinery and  
95 equipment, construction or leasehold improvements, relocation within  
96 the state or other business-related expenses authorized by the  
97 commissioner.

98 (2) Matching grants provided under the matching grant component  
99 may be in amounts from [ten] one thousand dollars to a maximum of  
100 one hundred thousand dollars. The commissioner shall prioritize  
101 applicants for matching grants based upon the likelihood that such  
102 grants will assist applicants in maintaining job growth.

103 (3) The commissioner may waive the matching requirement for  
104 grants under this subsection for working capital to small businesses  
105 located within distressed municipalities, as defined in section 32-9p.

106 (g) (1) The commissioner shall allocate not less than ten per cent of  
107 available funding under the Small Business Express program to  
108 regional economic development agencies that will review applications  
109 for financial assistance pursuant to this section and award financial  
110 assistance packages pursuant to subsections (d), (e) and (f) of this  
111 section. The commissioner shall provide such regional economic  
112 development agencies with guidelines for the review of such  
113 applications and the award of financial assistance packages, which

114 shall include a maximum ratio for administrative costs charged by  
115 such regional agencies to recipients of awards under this subsection.

116 (2) Not later than April first, annually, each regional economic  
117 development agency that awards a financial assistance package  
118 pursuant to this subsection shall report to the commissioner available  
119 data as described in subsection (j) of this section. The commissioner  
120 shall incorporate such data into the report described in said subsection.

121 (h) The commissioner, in collaboration with private sector lenders  
122 doing business in Connecticut, shall establish as part of the Small  
123 Business Express program:

124 (1) A loan fund to provide small businesses in the state with access  
125 to capital. Such capital shall be used for acquisition or purchase of  
126 machinery and equipment, construction or leasehold improvements,  
127 relocation expenses, working capital or other business-related  
128 expenses, as authorized by the commissioner. Such loan fund shall be  
129 administered by the Department of Economic and Community  
130 Development. The commissioner may allocate not more than ten per  
131 cent of available funding under the Small Business Express program to  
132 such loan fund; and

133 (2) A CT Financial Assistance for Start-Ups program, otherwise  
134 known as CT FAST Funds, to provide guarantees of not more than  
135 seventy per cent of the loan to such private sector lenders who provide  
136 financing to start-up businesses located in municipalities with a  
137 population greater than seventy thousand. Loans eligible for a  
138 guarantee under this subdivision (A) may be in amounts from ten  
139 thousand dollars to a maximum of fifty thousand dollars, (B) shall be  
140 for a term of not more than ten years, and (C) may be used for  
141 acquisition of machinery and equipment, construction or leasehold  
142 improvements, refinancing of existing debt, purchase of inventory,  
143 acquisition of real property and the remediation and redevelopment of  
144 Brownfields. The commissioner may provide a loan guarantee under  
145 this subdivision in addition to any other financial assistance awarded  
146 to the borrower pursuant to this section. The commissioner shall

147 allocate five million dollars of available funding under the Small  
148 Business Express program to the CT FAST Funds program.

149 (i) The commissioner, in consultation with community leaders, shall  
150 identify populations underserved by the Small Business Express  
151 program in municipalities that have a population of more than seventy  
152 thousand. Notwithstanding subsection (c) of this section, the  
153 commissioner may give priority for available funding to businesses  
154 owned by populations identified pursuant to this subsection. The  
155 commissioner shall include in the report described in subsection (j) of  
156 this section a summary of such identification efforts and any assistance  
157 granted to such businesses.

158 ~~[(g)]~~ (j) Not later than June 30, 2012, and every six months thereafter,  
159 the commissioner shall provide a report, in accordance with the  
160 provisions of section 11-4a, to the joint standing committees of the  
161 General Assembly having cognizance of matters relating to finance,  
162 revenue and bonding, appropriations, commerce and labor. Such  
163 report shall include available data on (1) the number of small  
164 businesses that applied to the Small Business Express program, (2) the  
165 number of small businesses that received assistance under said  
166 program and the general categories of such businesses, (3) the amounts  
167 and types of assistance provided, (4) the total number of jobs on the  
168 date of application and the number proposed to be created or retained,  
169 and (5) the most recent employment figures of the small businesses  
170 receiving assistance. The contents of such report shall also be included  
171 in the department's annual report.

172 Sec. 2. Section 32-9n of the general statutes is repealed and the  
173 following is substituted in lieu thereof (*Effective October 1, 2015*):

174 (a) There is established within the Department of Economic and  
175 Community Development an Office of Small Business Affairs. Such  
176 office shall aid and encourage small business enterprises, particularly  
177 those owned and operated by minorities and other socially or  
178 economically disadvantaged individuals in Connecticut. As used in  
179 this section, "minority" means: (1) Black Americans, including all

180 persons having origins in any of the Black African racial groups not of  
181 Hispanic origin; (2) Hispanic Americans, including all persons of  
182 Mexican, Puerto Rican, Cuban, Central or South American, or other  
183 Spanish culture or origin, regardless of race; (3) all persons having  
184 origins in the Iberian Peninsula, including Portugal, regardless of race;  
185 (4) women; (5) Asian Pacific Americans and Pacific islanders; or (6)  
186 American Indians and persons having origins in any of the original  
187 peoples of North America and maintaining identifiable tribal  
188 affiliations through membership and participation or community  
189 identification.

190 (b) Said Office of Small Business Affairs shall: (1) Administer at least  
191 one regional office of the small business development center program  
192 within the Department of Economic and Community Development; (2)  
193 coordinate, with the director of the small business development center  
194 program, the flow of information within the technical and  
195 management assistance program within the Department of Economic  
196 and Community Development; (3) encourage Connecticut Innovations,  
197 Incorporated to grant loans to small businesses, particularly those  
198 owned and operated by minorities and other socially or economically  
199 disadvantaged individuals; (4) coordinate and serve as a liaison  
200 between all federal, state, regional and municipal agencies and  
201 programs affecting small business affairs; (5) administer any business  
202 management training program established under section 32-352 or  
203 section 32-355 as the Commissioner of Economic and Community  
204 Development may determine; (6) provide a single point of contact for  
205 small businesses seeking financial and technical assistance from the  
206 state and quasi-public agencies; (7) coordinate all state funded  
207 revolving loan funds used to assist small businesses; (8) provide  
208 procedural information to small businesses seeking to bid on contracts  
209 offered by state agencies and municipalities; and [(8)] (9) establish, in  
210 cooperation with the Commissioner of Economic and Community  
211 Development, and within available appropriations, an informational  
212 web page with a list and links to all small business resources available  
213 and post them in a conspicuous place on the department's web site.  
214 The office shall update this information on its web site on at least a

215 quarterly basis.

216 (c) On or after February 1, 2011, and annually thereafter, the Office  
217 of Small Business Affairs shall compile (1) a description of its efforts  
218 pursuant to subsection (b) of this section, including, but not limited to,  
219 data on the type and number of businesses seeking assistance from  
220 said office, and (2) a summary of [all small business activities and]  
221 programs available to small businesses, and incorporate such  
222 summary into the report required pursuant to section 32-1m.

223 Sec. 3. (NEW) (*Effective October 1, 2015*) Prior to the adoption of any  
224 proposed regulation pertaining to activities for which the federal  
225 government has adopted standards or procedures, and whenever such  
226 proposed regulation deviates from such standards or procedures, an  
227 agency, as defined in section 4-166 of the general statutes, shall prepare  
228 a federal deviation analysis that shall: (1) Identify each provision of  
229 such proposed regulation that deviates from such standards or  
230 procedures, and (2) explain, in plain language, the reason for each such  
231 deviation. Such federal deviation analysis shall be: (A) Included in the  
232 regulation-making record required under section 4-168b of the general  
233 statutes, as amended by this act, (B) publicly available at the time of  
234 the notice concerning the regulation required under section 4-168 of  
235 the general statutes, as amended by this act, and (C) included in the  
236 submission of the regulation to the standing legislative regulation  
237 review committee pursuant to subsection (b) of section 4-170 of the  
238 general statutes, as amended by this act.

239 Sec. 4. Subsection (a) of section 4-168 of the general statutes is  
240 repealed and the following is substituted in lieu thereof (*Effective*  
241 *October 1, 2015*):

242 (a) Except as provided in subsections (g) and (h) of this section, an  
243 agency, not less than thirty days prior to adopting a proposed  
244 regulation, shall (1) post a notice of its intended action on the  
245 eRegulations System, which notice shall include (A) a specified public  
246 comment period of not less than thirty days, (B) a description  
247 sufficiently detailed so as to apprise persons likely to be affected of the



248 issues and subjects involved in the proposed regulation, (C) a  
249 statement of the purposes for which the regulation is proposed, (D) a  
250 reference to the statutory authority for the proposed regulation, (E)  
251 when, where and how interested persons may obtain a copy of the  
252 small business impact and regulatory flexibility analysis required  
253 pursuant to section 4-168a and a copy of the federal deviation analysis  
254 required pursuant to section 3 of this act, if applicable, and (F) when,  
255 where and how interested persons may present their views on the  
256 proposed regulation; (2) post a copy of the proposed regulation on the  
257 eRegulations System; (3) give notice electronically to each joint  
258 standing committee of the General Assembly having cognizance of the  
259 subject matter of the proposed regulation; (4) give notice electronically  
260 or provide a paper copy notice, if requested, to all persons who have  
261 made requests to the agency for advance notice of its regulation-  
262 making proceedings; (5) provide a paper copy or electronic version of  
263 the proposed regulation to persons requesting it; and (6) prepare a  
264 fiscal note, including an estimate of the cost or of the revenue impact  
265 (A) on the state or any municipality of the state, and (B) on small  
266 businesses in the state, including an estimate of the number of small  
267 businesses subject to the proposed regulation and the projected costs,  
268 including but not limited to, reporting, recordkeeping and  
269 administrative, associated with compliance with the proposed  
270 regulation and, if applicable, the regulatory flexibility analysis  
271 prepared under section 4-168a. The governing body of any  
272 municipality, if requested, shall provide the agency, within twenty  
273 working days, with any information that may be necessary for analysis  
274 in preparation of such fiscal note.

275 Sec. 5. Subsection (b) of section 4-168b of the general statutes is  
276 repealed and the following is substituted in lieu thereof (*Effective*  
277 *October 1, 2015*):

278 (b) The regulation-making record shall contain at least: (1) The  
279 agency's notice of intent to adopt regulations; (2) any written analysis  
280 prepared for the proceeding upon which the regulation is based,  
281 including the regulatory flexibility analysis required pursuant to

282 section 4-168a and the federal deviation analysis required pursuant to  
283 section 3 of this act, if applicable; (3) all comments submitted on the  
284 proposed regulation; (4) the official transcript, if any, of proceedings  
285 upon which the regulation is based or, if not transcribed, any audio  
286 recording or stenographic record of such proceedings, and any  
287 memoranda prepared by any member or employee of the agency  
288 summarizing the contents of the proceedings; (5) all official documents  
289 relating to the regulation, including the regulation submitted to the  
290 office of the Secretary of the State in accordance with section 4-172, a  
291 statement of the principal considerations in opposition to the agency's  
292 action, and the agency's reasons for rejecting such considerations, as  
293 required pursuant to section 4-168, as amended by this act, and the  
294 fiscal note prepared pursuant to subsection (a) of section 4-168, as  
295 amended by this act, and section 4-170, as amended by this act; (6) any  
296 petition for the regulation filed pursuant to section 4-174; and (7) all  
297 comments or communications between the agency and the legislative  
298 regulation review committee. No audio recording of a hearing held  
299 pursuant to section 4-168, as amended by this act, shall be posted on  
300 the eRegulations System unless the Secretary of the State confirms that  
301 such posting will not constitute a violation of any state or federal law  
302 regarding accessibility for persons with disabilities. Any audio  
303 recording of a hearing held pursuant to section 4-168, as amended by  
304 this act, that is not posted on the eRegulations System shall be  
305 maintained by the agency and made available to the public upon  
306 request. If an agency determines that any part of the regulation-  
307 making record is impractical to display or is inappropriate for public  
308 display on the eRegulations System, the agency shall describe the part  
309 omitted in a statement posted on the eRegulations System and shall  
310 maintain a copy of the omitted material readily available for public  
311 inspection at the principal office of the agency.

312 Sec. 6. Subsection (b) of section 4-170 of the general statutes is  
313 repealed and the following is substituted in lieu thereof (*Effective*  
314 *October 1, 2015*):

315 (b) (1) No adoption, amendment or repeal of any regulation, except

316 a regulation issued pursuant to subsection (g) of section 4-168, shall be  
317 effective until (A) an electronic copy of (i) the proposed regulation  
318 approved by the Attorney General, as provided in section 4-169, [and  
319 an electronic copy of] (ii) the regulatory flexibility analysis, as  
320 provided in section 4-168a, and (iii) the federal deviation analysis, as  
321 provided in section 3 of this act, if applicable, are submitted to the  
322 standing legislative regulation review committee in a manner  
323 designated by the committee, by the agency proposing the regulation,  
324 (B) the regulation is approved by the committee, at a regular meeting  
325 or a special meeting called for the purpose, and (C) a certified  
326 electronic copy of the regulation is submitted to the office of the  
327 Secretary of the State by the agency, as provided in section 4-172, and  
328 the regulation is posted on the eRegulations System by the Secretary.

329 (2) The date of submission for purposes of subsection (c) of this section  
330 shall be the first Tuesday of each month. Any regulation received by  
331 the committee on or before the first Tuesday of a month shall be  
332 deemed to have been submitted on the first Tuesday of that month.  
333 Any regulation submitted after the first Tuesday of a month shall be  
334 deemed to be submitted on the first Tuesday of the next succeeding  
335 month. (3) The form of proposed regulations which are submitted to  
336 the committee shall be as follows: New language added to an existing  
337 regulation shall be underlined; language to be deleted shall be  
338 enclosed in brackets and a new regulation or new section of a  
339 regulation shall be preceded by the word "(NEW)" in capital letters.  
340 Each proposed regulation shall have a statement of its purpose  
341 following the final section of the regulation. (4) The committee may  
342 permit any proposed regulation, including, but not limited to, a  
343 proposed regulation which by reference incorporates in whole or in  
344 part, any other code, rule, regulation, standard or specification, to be  
345 submitted in summary form together with a statement of purpose for  
346 the proposed regulation. On and after October 1, 1994, if the committee  
347 finds that a federal statute requires, as a condition of the state  
348 exercising regulatory authority, that a Connecticut regulation at all  
349 times must be identical to a federal statute or regulation, then the  
350 committee may approve a Connecticut regulation that by reference

351 specifically incorporates future amendments to such federal statute or  
352 regulation provided the agency that proposed the Connecticut  
353 regulation shall submit for approval amendments to such Connecticut  
354 regulations to the committee not later than thirty days after the  
355 effective date of such amendment, and provided further the committee  
356 may hold a public hearing on such Connecticut amendments. (5) The  
357 agency shall also provide the committee with a copy of the fiscal note  
358 prepared pursuant to subsection (a) of section 4-168, as amended by  
359 this act. At the time of submission to the committee, the agency shall  
360 submit an electronic copy of the proposed regulation and the fiscal  
361 note to (A) the Office of Fiscal Analysis which, not later than seven  
362 days after receipt, shall submit an analysis of the fiscal note to the  
363 committee; and (B) each joint standing committee of the General  
364 Assembly having cognizance of the subject matter of the proposed  
365 regulation. No regulation shall be found invalid due to the failure of an  
366 agency to submit an electronic copy of the proposed regulation and the  
367 fiscal note to each committee of cognizance, provided such regulation  
368 and fiscal note have been electronically submitted to one such  
369 committee.

370 Sec. 7. Section 32-9t of the general statutes is repealed and the  
371 following is substituted in lieu thereof (*Effective July 1, 2015, and*  
372 *applicable to income years commencing on or after January 1, 2015*):

373 (a) As used in this section:

374 (1) "Commissioner" means the Commissioner of Economic and  
375 Community Development.

376 (2) "Eligible industrial site investment project" means a project  
377 located within this state for the development or redevelopment of real  
378 property: (A) (i) That has been subject to a "spill", as defined in section  
379 22a-452c, (ii) is an "establishment", as defined in subdivision (3) of  
380 section 22a-134, or (iii) is a "facility", as defined in 42 USC 9601(9); (B)  
381 that, if remediated, renovated or demolished in accordance with  
382 applicable law and regulations and the standards of remediation of the  
383 Department of Energy and Environmental Protection and used for

384 business purposes, will add significant new economic activity and  
385 employment in the municipality in which the investment is to be  
386 made, and will generate additional tax revenues to the state; (C) for  
387 which the use of the urban and industrial site reinvestment program  
388 will be necessary to attract private investment to the project; (D) the  
389 business use of which would be economically viable and would  
390 generate direct and indirect economic benefits to the state that exceed  
391 the amount of the investment during the period for which the tax  
392 credits granted pursuant to public act 00-170 are granted; and (E) that  
393 is, in the judgment of the commissioner, consistent with the strategic  
394 economic development priorities of the state and the municipality.

395 (3) "Eligible urban reinvestment project" means a project: (A) That  
396 would add significant new economic activity in the eligible  
397 municipality in which the project is located, and will generate  
398 significant additional tax revenues to the state or the municipality; (B)  
399 for which the use of the urban and industrial site reinvestment  
400 program will be necessary to attract private investment to an eligible  
401 municipality; (C) that is economically viable; (D) for which the direct  
402 and indirect economic benefits to the state outweigh the costs of the  
403 project; and (E) that is, in the judgment of the commissioner, consistent  
404 with the strategic economic development priorities of the state and the  
405 municipality.

406 (4) "Related person" means: (A) A corporation, limited liability  
407 company, partnership, association or trust controlled by the taxpayer;  
408 (B) an individual, corporation, limited liability company, partnership,  
409 association or trust that is in control of the taxpayer; (C) a corporation,  
410 limited liability company, partnership, association or trust controlled  
411 by an individual, corporation, limited liability company, partnership,  
412 association or trust that is in control of the taxpayer; or (D) a member  
413 of the same controlled group as the taxpayer. For purposes of this  
414 section, "control", with respect to a corporation, means ownership,  
415 directly or indirectly, of stock possessing fifty per cent or more of the  
416 total combined voting power of all classes of the stock of such  
417 corporation entitled to vote. "Control", with respect to a trust, means

418 ownership, directly or indirectly, of fifty per cent or more of the  
419 beneficial interest in the principal or income of such trust. The  
420 ownership of stock in a corporation, of a capital or profits interest in a  
421 partnership or association or of a beneficial interest in a trust shall be  
422 determined in accordance with the rules for constructive ownership of  
423 stock provided in Section 267(c) of the Internal Revenue Code, other  
424 than paragraph (3) of said section.

425 (5) "Investment" means all amounts invested in an eligible project by  
426 or on behalf of a taxpayer, whether directly, through a fund, or  
427 through a community development entity or a contractually bound  
428 community development entity including, but not limited to, (A)  
429 equity investments made by the taxpayer, and (B) loans.

430 (6) "Income year" means with respect to entities subject to taxation  
431 under chapters 207 to 212a, the income year as determined under each  
432 of said chapters, as the case may be.

433 (7) "Taxpayer" means any person, as defined in section 12-1,  
434 whether or not subject to any taxes levied by this state.

435 (8) "Fund manager" means a fund manager registered in accordance  
436 with subsection (d) of this section.

437 (9) "New job" means a job that did not exist in the business of a  
438 subject business in this state prior to the subject business' application  
439 to the commissioner for an eligibility certificate under this section for a  
440 new facility and that is filled by a new employee, but does not mean a  
441 job created when an employee is shifted from an existing location of  
442 the subject business in this state to a new facility.

443 (10) "New employee" means a person hired by a subject business to  
444 fill a position for a new job or a person shifted from an existing  
445 location of the subject business outside this state to a new facility in  
446 this state, provided (A) in no case shall the total number of new  
447 employees allowed for purposes of this credit exceed the total increase  
448 in the taxpayer's employment in this state, which increase shall be the

449 difference between (i) the number of employees employed by the  
450 subject business in this state at the time of application for an eligibility  
451 certificate to the commissioner plus the number of new employees  
452 who would be eligible for inclusion under the credit allowed under  
453 this section without regard to this calculation, and (ii) the highest  
454 number of employees employed by the subject business in this state in  
455 the year preceding the subject business' application for an eligibility  
456 certificate to the commissioner, and (B) a person shall be deemed to be  
457 a "new employee" only if such person's duties in connection with the  
458 operation of the facility are on a regular, full-time, or equivalent  
459 thereof, and permanent basis.

460 (11) "New facility" means a facility which (A) is acquired by, leased  
461 to, or constructed by, a subject business on or after the date of the  
462 subject business' application to the commissioner for an eligibility  
463 certificate under this section, unless, upon application of the subject  
464 business and upon good and sufficient cause shown, the commissioner  
465 waives the requirement that such activity take place after the  
466 application, and (B) was not in service or use during the one-year  
467 period immediately prior to the date of the subject business'  
468 application to the commissioner for an eligibility certificate under this  
469 section, unless upon application of the subject business and upon good  
470 and sufficient cause shown, the commissioner consents to waiving the  
471 one-year period.

472 (12) "Eligible municipality" means (A) a municipality with an area  
473 designated as an enterprise zone pursuant to section 32-70, (B) a  
474 distressed municipality, as defined in subsection (b) of section 32-9p,  
475 (C) a municipality that has a population in excess of one hundred  
476 thousand, or (D) any municipality that the commissioner determines is  
477 connected with the relocation of an out-of-state operation or the  
478 expansion of an existing facility that will result in a capital investment  
479 by a company of not less than fifty million dollars, except that, for an  
480 eligible CT EDGE project, "eligible municipality" means a municipality  
481 with an area designated as an enterprise zone pursuant to section 32-  
482 70.

483 (13) "Eligible project" means an eligible urban reinvestment project,  
484 an eligible CT EDGE project or an eligible industrial site investment  
485 project, or [both] any combination thereof.

486 (14) "Approved investment" means an investment approved by the  
487 commissioner under subsection (g) of this section.

488 (15) "Recapture amount" means the amount by which the total of tax  
489 credits claimed with respect to any approved investment as of the date  
490 of calculation exceeds the sum of all state revenue actually generated  
491 through such date by the eligible project in which such approved  
492 investment was made.

493 (16) "Pro rata share" means the percentage the amount of the  
494 approved investment by an individual investor in an eligible project  
495 bears to the total amount of the approved investment in such project,  
496 or in the case of a taxpayer to whom credits are transferred under this  
497 section, the percentage the amount of credits with respect to an  
498 approved investment transferred bears to the total credits with respect  
499 to such approved investment.

500 (17) "Community development entity" means any corporation,  
501 limited partnership or limited liability company qualified to do  
502 business in this state and which (A) is organized for the purpose of  
503 providing investment capital or financing for eligible projects under  
504 this section, (B) maintains accountability to residents of more than one  
505 eligible municipality through representation on the governing board of  
506 the entity, (C) is organized for the purpose of seeking certification and  
507 an allocation of new markets tax credits as provided in Section 45D of  
508 the Internal Revenue Code, and (D) is registered in accordance with  
509 subsection (d) of this section. No community development entity shall  
510 be eligible for any tax credits under this section unless it is certified  
511 under said Section 45D on the date any approved investment is made.  
512 A community development entity shall not be deemed a "fund" for  
513 purposes of this section.

514 (18) "Project" means the acquisition, leasing, demolition,



515 remediation, construction, renovation, expansion or other  
516 development or redevelopment of real property and improvements  
517 within this state, including furniture, fixtures, equipment and other  
518 personal property which is reasonably necessary in connection  
519 therewith, and associated interest and other financing costs and  
520 charges, relocation and start-up costs, and architectural, engineering,  
521 legal and other professional services, plans, specifications, surveys,  
522 permits, studies and evaluations necessary or incident to the  
523 development, financing, completion and placing in operation of such a  
524 project. In the case of a contractually bound community development  
525 entity, "project" shall not include any activities, costs or services not  
526 included in the terms of the allocation agreement with the community  
527 development financial institutions fund under Section 45D of the  
528 Internal Revenue Code.

529 (19) "Contractually bound community development entity" means a  
530 community development entity that (A) has entered into an allocation  
531 agreement with the community development financial institutions  
532 fund pursuant to Section 45D of the Internal Revenue Code, and (B)  
533 whose service area in such allocation agreement includes the state of  
534 Connecticut.

535 (20) "Internal Revenue Code" means the Internal Revenue Code of  
536 1986, or any subsequent corresponding internal revenue code of the  
537 United States, as amended from time to time.

538 (21) "Eligible CT Economic Development for a Growing Economy  
539 project" or "eligible CT EDGE project" means a project: (A) That would  
540 add significant new economic activity in the eligible municipality in  
541 which the project is located and will generate significant additional tax  
542 revenues to the state or the municipality; (B) for which the use of the  
543 urban and industrial site reinvestment program will be necessary to  
544 attract private investment to an eligible municipality; (C) that is  
545 economically viable; (D) for which the direct and indirect economic  
546 benefits to the state outweigh the costs of the project; (E) that is, in the  
547 judgment of the commissioner, consistent with the strategic economic

548 development priorities of the state and the municipality; and (F) that  
549 involves the redevelopment of a vacant building with a square footage  
550 greater than (i) ten thousand square feet to be used for affordable  
551 housing, as defined in section 8-39a, (ii) fifty thousand square feet to be  
552 used for commercial or industrial space, or (iii) thirty-five thousand  
553 square feet to be for mixed use.

554 (b) There is established an urban and industrial site reinvestment  
555 program under which taxpayers who make investments in eligible  
556 urban reinvestment projects, eligible CT EDGE projects or eligible  
557 industrial site investment projects may be allowed a credit against the  
558 tax imposed under chapters 207 to 212a, inclusive, or section 38a-743,  
559 or a combination of said taxes, in an amount equal to the percentage of  
560 their approved investment determined in accordance with subsection  
561 (i) of this section.

562 (c) No project shall be deemed an eligible project unless such project  
563 shall, in the judgment of the commissioner, be of sufficient size, by  
564 itself or in conjunction with related new investments, to generate a  
565 substantial return to the state economy.

566 (d) (1) The commissioner may register managers of funds and  
567 community development entities created for the purpose of investing  
568 in eligible urban reinvestment projects, eligible CT EDGE projects and  
569 eligible industrial site investment projects. Any manager, community  
570 development entity or contractually bound community development  
571 entity registered under this subsection shall have its primary place of  
572 business in this state. Each applicant shall submit an application under  
573 oath to the commissioner to be registered and shall furnish evidence  
574 satisfactory to the commissioner of its financial responsibility,  
575 integrity, professional competence and experience in managing  
576 investment funds. Failure to maintain adequate fiduciary standards  
577 with respect to investments made under this section shall constitute  
578 cause for the commissioner to revoke, after hearing, any registration  
579 granted under this section or section 38a-88a. The fund manager,  
580 community development entity or contractually bound community

581 development entity shall make a report on or before the first day of  
582 March in each year, under oath, to the Commissioner of Economic and  
583 Community Development and the Commissioner of Revenue Services  
584 specifying the name, address and Social Security number or employer  
585 identification number of each investor, the year during which each  
586 investment was made by each investor, the amount of each  
587 investment, a description of the fund's investment objectives and  
588 relative performance, or the entity's projects, as the case may be, and a  
589 description, including amounts, of all fees received by such manager  
590 or entity in relation to each such fund.

591 (2) Any manager of funds registered on or before July 1, 2000,  
592 pursuant to section 38a-88a shall be deemed registered as a fund  
593 manager for all purposes under the provisions of this section upon  
594 submission, in writing, to the commissioner of such manager's  
595 intention to act as a manager of funds under this section. The  
596 commissioner may request from any such manager such information  
597 as the commissioner may require relating to such manager's financial  
598 responsibility, integrity, professional competence and experience in  
599 managing investment funds.

600 (e) Any taxpayer or fund manager, community development entity  
601 or contractually bound community development entity wishing to  
602 make an investment under the provisions of this section shall apply to  
603 the commissioner in accordance with the provisions of this section. The  
604 application shall contain sufficient information to establish that the  
605 project in which the proposed investment will be made is an eligible  
606 industrial site investment project, an eligible CT EDGE project or an  
607 urban reinvestment project, as appropriate, and information  
608 concerning the type of investment proposed to be made, the location of  
609 the project, the number of jobs to be created or retained, physical  
610 infrastructure that might be created or preserved, feasibility studies or  
611 business plans for the project, projected state and local revenue that  
612 might derive as a result of the project and other information necessary  
613 to demonstrate the financial viability of the project and to demonstrate  
614 that the investment will provide net benefits to the economy of, and

615 employment for citizens of, the municipality and the state, and in the  
616 case of an eligible industrial site investment project, how such project  
617 will meet the standards of remediation of the Department of Energy  
618 and Environmental Protection. The commissioner shall impose a fee  
619 for such application as the commissioner deems appropriate.

620 (f) (1) The commissioner shall determine whether the project in  
621 which the proposed investment is to be made is an eligible urban  
622 reinvestment project, an eligible CT EDGE project or an eligible  
623 industrial site investment project, whether the project is economically  
624 viable only with use of the urban and industrial site reinvestment  
625 program, the effects of the project on the municipality where the  
626 investment will be made, and whether the project would provide a net  
627 benefit to economic development and employment opportunities in  
628 the state and whether the project will conform to the state plan of  
629 conservation and development. The commissioner may require the  
630 applicant to submit such additional information as may be necessary  
631 to evaluate the application.

632 (2) The commissioner shall prepare a revenue impact assessment  
633 that estimates the state and local revenue that would be generated as a  
634 result of the project. The commissioner shall prepare an economic  
635 feasibility study relative to such project. The commissioner may retain  
636 any such persons as the commissioner deems appropriate to conduct  
637 such revenue impact assessment or economic feasibility study.

638 (g) (1) The commissioner, upon consideration of the application, the  
639 revenue impact assessment and any additional information that the  
640 commissioner requires concerning a proposed investment, may  
641 approve an investment if the commissioner concludes that the project  
642 in which such investment is to be made is an eligible urban  
643 reinvestment project, an eligible CT EDGE project or an eligible  
644 industrial site investment project. If the commissioner rejects an  
645 application, the commissioner shall specifically identify the defects in  
646 the application and specifically explain the reasons for the rejection.  
647 The commissioner shall render a decision on an application not later

648 than ninety days from its receipt. The amount of the investment so  
649 approved shall not exceed the greater of: (A) The amount of state  
650 revenue that will be generated according to the revenue impact  
651 assessment prepared under this subsection; or (B) the total of state  
652 revenue and local revenue generated according to such assessment in  
653 the case of a manufacturing business with North American Industrial  
654 Classification codes of 339999, 311211 through 312140, 324191 and  
655 325412 that is relocating to a site in Connecticut from out-of-state,  
656 provided the relocation will result in new development of at least  
657 seven hundred twenty-five thousand square feet in a state-sponsored  
658 industrial park.

659 (2) The approval of an investment by the commissioner may be  
660 combined with the exercise of any of the commissioner's other powers,  
661 including, but not limited to, the provision of other forms of financial  
662 assistance.

663 (3) The commissioner shall require the applicant to reimburse the  
664 commissioner for all or any part of the cost of any revenue impact  
665 assessment, economic feasibility study or other activities performed in  
666 the exercise of due diligence pursuant to subsection (f) of this section.

667 (4) There is established an account to be known as the "Connecticut  
668 economic impact and analysis account" which shall be a separate,  
669 nonlapsing account within the General Fund. The account shall  
670 contain any moneys required by law to be deposited in the account  
671 and shall be held separate and apart from other moneys, funds and  
672 accounts. There shall be deposited in the account any proceeds  
673 realized by the state from activities pursuant to this section.  
674 Investment earnings credited to the account shall become part of the  
675 assets of the account. Any balance remaining in the account at the end  
676 of any fiscal year shall be carried forward in the account for the next  
677 fiscal year. Amounts in the account may be used by the Department of  
678 Economic and Community Development to fund the cost of any  
679 activities of the department pursuant to this section, including  
680 administrative costs related to such activities.

681 (h) Upon approving an investment, the commissioner shall issue a  
682 certificate of eligibility certifying that the applicant has complied with  
683 the provisions of this section.

684 (i) (1) [There] For eligible urban reinvestment projects and eligible  
685 industrial site investment projects, there shall be allowed as a credit  
686 against the tax imposed under chapters 207 to 212a, inclusive, or  
687 section 38a-743, or a combination of said taxes, an amount equal to the  
688 following percentage of approved investments made by or on behalf of  
689 a taxpayer with respect to the following income years of the taxpayer:  
690 (A) With respect to the income year in which the investment in the  
691 eligible project was made and the two next succeeding income years,  
692 zero per cent; (B) with respect to the third full income year succeeding  
693 the year in which the investment in the eligible project was made and  
694 the three next succeeding income years, ten per cent; (C) with respect  
695 to the seventh full income year succeeding the year in which the  
696 investment in the eligible project was made and the next two  
697 succeeding years, twenty per cent. [The sum of all tax credits granted  
698 pursuant to the provisions of this section shall not exceed one hundred  
699 million dollars with respect to a single eligible urban reinvestment  
700 project or a single eligible industrial site investment project approved  
701 by the commissioner. The sum of all tax credits granted pursuant to  
702 the provisions of this section shall not exceed eight hundred million  
703 dollars.]

704 (2) For eligible CT EDGE projects, there shall be allowed as a credit  
705 against the tax imposed under chapters 207 to 212a, inclusive, or  
706 section 38a-743, or a combination of said taxes, an amount equal to the  
707 following percentage of approved investments made by or on behalf of  
708 a taxpayer with respect to the following income years of the taxpayer:

709 (A) For projects involving the redevelopment of a vacant building to  
710 be used for affordable housing, (i) with respect to the income year in  
711 which the investment in the eligible project was made and the three  
712 next succeeding income years, five per cent; (ii) with respect to the  
713 fourth full income year succeeding the year in which the investment in

714 the eligible project was made, four per cent; and (iii) with respect to the  
715 fifth full income year succeeding the year in which the investment in  
716 the eligible project was made and the next succeeding year, three per  
717 cent;

718 (B) For projects involving the redevelopment of a vacant building to  
719 be used for commercial and industrial space, with respect to the  
720 income year in which the investment in the eligible project was made  
721 and the four next succeeding income years, five per cent; and

722 (C) For projects involving the redevelopment of a vacant building to  
723 be for mixed use, (i) with respect to the income year in which the  
724 investment in the eligible project was made and the five next  
725 succeeding income years, five per cent; and (ii) with respect to the sixth  
726 full income year succeeding the year in which the investment in the  
727 eligible project was made, four per cent.

728 (3) The sum of all tax credits granted pursuant to the provisions of  
729 this section shall not exceed one hundred million dollars with respect  
730 to a single eligible urban reinvestment project, a single eligible CT  
731 EDGE project or a single eligible industrial site investment project  
732 approved by the commissioner. The sum of all tax credits granted  
733 pursuant to the provisions of this section shall not exceed eight  
734 hundred million dollars.

735 [(2)] (4) Notwithstanding the provisions of [subdivision (1)]  
736 subdivisions (1) to (3), inclusive, of this subsection, any applicant may,  
737 at the time of application, apply to the commissioner for a credit that  
738 exceeds the limitations established by this subsection. The  
739 commissioner shall evaluate the benefits of such application and make  
740 recommendations to the General Assembly relating to changes in the  
741 general statutes which would be necessary to effect such application if  
742 the commissioner determines that the proposal would be of economic  
743 benefit to the state.

744 (j) The credits allowed by this section may be claimed by a taxpayer  
745 who has made an investment (1) directly only if such investment has a

746 total asset value, either alone or in conjunction with other taxpayer  
747 investments in an eligible project, of not less than five million dollars  
748 or, in the case of an investment in an eligible project for the  
749 preservation of an historic facility and redevelopment of the facility for  
750 mixed uses that includes at least four housing units, a total asset value  
751 of not less than two million dollars; (2) through a fund managed by a  
752 fund manager registered under this section only if such fund: (A) Has  
753 a total asset value of not less than sixty million dollars for the income  
754 year for which the initial credit is taken; and (B) has not less than three  
755 investors who are not related persons with respect to each other or to  
756 any person in which any investment is made other than through the  
757 fund at the date the investment is made; or (3) through a community  
758 development entity or a contractually bound community development  
759 entity.

760 (k) The commissioner shall, upon request, provide a copy of the  
761 eligibility certificate issued under subsection (h) of this section to the  
762 Commissioner of Revenue Services.

763 (l) The tax credit allowed by this section, when made through a  
764 fund, shall only be available for investments in funds that are not open  
765 to additional investments or investors beyond the amount subscribed  
766 at the formation of the fund.

767 (m) (1) The Commissioner of Revenue Services may treat one or  
768 more corporations that are properly included in a combined  
769 corporation business tax return under section 12-223a as one taxpayer  
770 in determining whether the appropriate requirements under this  
771 section are met. Where corporations are treated as one taxpayer for  
772 purposes of this subsection, then the credit shall be allowed only  
773 against the amount of the combined tax for all corporations properly  
774 included in a combined return that, under the provisions of  
775 subdivision (2) of this subsection, is attributable to the corporations  
776 treated as one taxpayer.

777 (2) The amount of the combined tax for all corporations properly  
778 included in a combined corporation business tax return that is



779 attributable to the corporations that are treated as one taxpayer under  
780 the provisions of this subsection shall be in the same ratio to such  
781 combined tax that the net income apportioned to this state of each  
782 corporation treated as one taxpayer bears to the net income  
783 apportioned to this state, in the aggregate, of all corporations included  
784 in such combined return. Solely for the purposes of computing such  
785 ratio, any net loss apportioned to this state by a corporation treated as  
786 one taxpayer or by a corporation included in such combined return  
787 shall be disregarded.

788 (n) Any taxpayer allowed a credit under this section may assign  
789 such credit to another taxpayer or taxpayers, provided such other  
790 taxpayer or taxpayers may claim such credit only with respect to a  
791 taxable year for which the assigning taxpayer would have been eligible  
792 to claim such credit and such other taxpayer or taxpayers may not  
793 further assign such credit. The taxpayer or taxpayers allowed such  
794 credit, the fund manager, the community development entity or  
795 contractually bound community development entity shall file with the  
796 Commissioner of Revenue Services information requested by the  
797 commissioner regarding such assignments, including, but not limited  
798 to, the current holders of credits as of the end of the preceding  
799 calendar year.

800 (o) No taxpayer shall be eligible for a credit under (1) this section,  
801 and (2) section 12-217e or 38a-88a, for the same investment. No two  
802 taxpayers shall be eligible for any tax credit with respect to the same  
803 investment or the same project costs.

804 (p) Any credit not used in the income year for which it was allowed  
805 may be carried forward for the five immediately succeeding income  
806 years until the full credit has been allowed.

807 (q) (1) Any tax credits approved under this section that would  
808 constitute in excess of twenty million dollars in total for a single  
809 investment shall be submitted by the Commissioner of Economic and  
810 Community Development to the joint standing committee of the  
811 General Assembly having cognizance of matters relating to finance,

812 revenue and bonding prior to the issuance of a certificate of eligibility  
813 for such investment. Said committee shall have thirty days from the  
814 date such project is submitted to convene a meeting to recommend  
815 approval or disapproval of such investment. If such submittal is  
816 withdrawn, altered, amended or otherwise changed, and resubmitted,  
817 said committee shall have thirty days from the date of such resubmittal  
818 to convene a meeting to recommend approval or disapproval of such  
819 investment. If said committee does not act on a submittal or  
820 resubmittal, as the case may be, within that time, the investment shall  
821 be deemed to be approved by said committee.

822 (2) While the General Assembly is in session, the House of  
823 Representatives or the Senate, or both, may meet not later than thirty  
824 days following the date said committee makes a recommendation  
825 pursuant to subdivision (1) of this subsection. If such submission is not  
826 disapproved by the House of Representatives or the Senate, or both,  
827 within such time, the commissioner may issue such certificate.

828 (3) While the General Assembly is not in regular session, the House  
829 of Representatives or the Senate, or both, may meet not later than  
830 thirty days following the date said committee makes a  
831 recommendation pursuant to subdivision (1) of this subsection. If such  
832 submission is not disapproved by the House of Representatives, the  
833 Senate, or both, within such time, the commissioner may issue such  
834 certificate.

835 (r) Not later than July first in each year that credits allowed by this  
836 section are claimed by a taxpayer with respect to an approved  
837 investment, the commissioner may retain such persons as said  
838 commissioner may deem appropriate to conduct a study to estimate  
839 the state revenue that is being and will be generated by the eligible  
840 project in which such investment is made. Such economic impact study  
841 shall determine whether the state revenue actually generated by such  
842 eligible project is equal to the estimate of state revenue made at the  
843 time the investment in such eligible project was approved. If the sum  
844 of all state revenue actually generated by such eligible project is less

845 than the amount of the total sum of tax credits claimed with respect to  
846 the approved investment in such project on the date of such analysis,  
847 the commissioner may determine from the person retained pursuant to  
848 this subsection the applicable recapture amount and may revoke the  
849 certificate of eligibility issued under subsection (h) of this section. The  
850 commissioner may require the taxpayer, the fund manager,  
851 community development entity or contractually bound community  
852 development entity that made such approved investment to reimburse  
853 the commissioner for all or any part of the cost of any economic impact  
854 study performed under this subsection.

855 (s) (1) Any taxpayer which has claimed credits allowed by this  
856 section related to an investment concerning which the commissioner  
857 has revoked the certificate of eligibility issued under subsection (h) of  
858 this section, shall be required to recapture such taxpayer's pro rata  
859 share of the recapture amount as determined under the provisions of  
860 subdivision (2) of this subsection and no subsequent credit shall be  
861 allowed unless such certificate of eligibility is reinstated under the  
862 provisions of subdivision (3) of this subsection.

863 (2) If the taxpayer is required under the provisions of subdivision  
864 (1) of this subsection to recapture its pro rata share of the recapture  
865 amount during (A) the first year such credit was claimed, then ninety  
866 per cent of such share shall be recaptured on the tax return required to  
867 be filed for such year, (B) the second of such years, then sixty-five per  
868 cent of such share shall be recaptured on the tax return required to be  
869 filed for such year, (C) the third of such years, then fifty per cent of  
870 such share shall be recaptured on the tax return required to be filed for  
871 such year, (D) the fourth of such years, then thirty per cent of such  
872 share shall be recaptured on the tax return required to be filed for such  
873 year, (E) the fifth of such years, then twenty per cent of such share  
874 shall be recaptured on the tax return required to be filed for such year,  
875 and (F) the sixth or subsequent of such years, then ten per cent of such  
876 share shall be recaptured on the tax return required to be filed for such  
877 year. The Commissioner of Revenue Services may recapture such share  
878 from the taxpayer who has claimed such credits. If the commissioner is

879 unable to recapture all or part of such share from such taxpayer, the  
 880 commissioner may seek to recapture such share from any taxpayer  
 881 who has assigned credits in an amount at least equal to such share to  
 882 another taxpayer. If the commissioner is unable to recapture all or part  
 883 of such share from any such taxpayer, the commissioner may  
 884 recapture such share from any fund through which the investment was  
 885 made.

886 (3) If the commissioner has revoked the certificate of eligibility  
 887 issued under subsection (h) of this section, such certificate of eligibility  
 888 shall be reinstated by the commissioner if, upon a request made by the  
 889 taxpayer, fund manager or community development entity who made  
 890 such approved investment, an economic impact study conducted  
 891 pursuant to subsection (r) of this section shall determine that the sum  
 892 of all state revenue actually generated by the project in which such  
 893 investment was made is greater than the amount of the total sum of tax  
 894 credits claimed on the date of such analysis, provided no such request  
 895 shall be made pursuant to this subsection during the calendar year in  
 896 which such certificate was revoked. For the purpose of determining  
 897 whether such certificate shall be reinstated, the commissioner shall,  
 898 upon receipt of a request made under this subsection, obtain one such  
 899 economic impact study per calendar year and may obtain additional  
 900 such economic impact studies as the commissioner deems appropriate.

901 (t) Notwithstanding subsections (r) and (s) of this section, for a  
 902 contractually bound community development entity, credit recapture  
 903 for credits allowed by this section shall be governed by the terms of its  
 904 allocation agreement with the community development financial  
 905 institutions fund or, where such agreement is silent, by Section 45D of  
 906 the Internal Revenue Code and the regulations promulgated by the  
 907 United States Treasury pursuant to said section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	32-7g
Sec. 2	October 1, 2015	32-9n

Sec. 3	<i>October 1, 2015</i>	New section
Sec. 4	<i>October 1, 2015</i>	4-168(a)
Sec. 5	<i>October 1, 2015</i>	4-168b(b)
Sec. 6	<i>October 1, 2015</i>	4-170(b)
Sec. 7	<i>July 1, 2015, and applicable to income years commencing on or after January 1, 2015</i>	32-9t

**CE**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 16 \$</b>	<b>FY 17 \$</b>
Department of Revenue Services	GF - Revenue Loss	Potential	Potential
Treasurer, Debt Serv.	GF - Acceleration of Debt Service Costs	Potential	Potential

Note: GF=General Fund

### **Municipal Impact:** None

### **Explanation**

The bill makes various changes regarding the state's economic development programs and state regulations which are described below.

**Section 1** makes various changes to the Small Business Express (Express) program, including:

1. expanding eligibility;
2. reducing minimum loan amounts;
3. decentralizing decision making to regional entities and providing at least 10% available funding under Express to those regional entities;
4. adding new lending components which include:
  - a. up to 10% of available Express funding for a loan fund specifically for acquiring or purchasing machines and equipment, constructing facilities or making leasehold

improvements, covering relocation costs, providing working capital, or covering other business-related expenses the commissioner approves, and

b. \$5 million of available Express funding for CT Fast Funds;

5. identifying and targeting underserved populations.

The bill does not change General Obligation (GO) bond authorizations relevant to the program.

Future General Fund debt service costs may be incurred sooner under the bill to the degree that the bill causes authorized GO bond funds to be expended more rapidly than they otherwise would have been.

The Small Business Express program is funded through GO bond funds. The program has received \$260 million in bond authorizations since its inception in 2011. As of April 7<sup>th</sup>, the unallocated bond balance available to the program is \$65 million.

**Section 2** requires the Department of Economic and Community Development (DECD) to provide a summary of identification efforts and any assistance granted to businesses in underserved municipalities. There is no impact to DECD as the agency currently provides reports on various business programs, such as Express, on an annual or biannual basis, dependent upon the program.

**Sections 3 – 6** require state agencies that receive federal funding to adopt regulations that include a federal deviation analysis, which would identify how the proposed regulation is different than the federal standard or procedure. The analysis, which must be submitted to the Regulations Review Committee along with a copy of the regulation, has no fiscal impact.

**Section 7** establishes a new component under the existing Urban and Industrial Sites Reinvestment (UISR) tax credit program by

providing reduced tax credits claimed over a shorter time period for redeveloping vacant buildings within designated areas, known as CT EDGE projects.<sup>1</sup> To the extent this program expansion results in additional credits being claimed than would otherwise have been under current law, there is a potential revenue loss beginning as early as FY 16.<sup>2</sup> The precise amount and timing of any revenue loss is dependent on the type, timing and overall cost of any project undertaken under the CT EDGE program.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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<sup>1</sup> The bill does not expand the \$800 million cumulative cap and \$100 million per project cap on tax credits allowed under the UISR program. As of September 2014, there were approximately \$270 million in unallocated credits under the program.

<sup>2</sup> The current UISR tax credit is claimed over a 10 year period, beginning three years after the initial investment. The CT EDGE credit is claimed over a five-to-seven year period beginning in the first year of the investment.



**OLR Bill Analysis****sSB 961*****AN ACT CONCERNING THE DELIVERY AND TARGETING OF ECONOMIC ASSISTANCE TO SMALL BUSINESSES.*****SUMMARY:**

This bill expands the range of the state's business, financial, and technical assistance. It makes programmatic and administrative changes to the Small Business Express Program (Express) that make it easier for entrepreneurs and small businesses to qualify for the program's loans and grants. It also authorizes new components, including one that guarantees relatively small bank loans made to entrepreneurs in the state's eight largest municipalities. Express is administered by the Department of Economic and Community Development (DECD).

The bill requires the DECD commissioner to allocate at least 10% of the program's funds to regional economic development agencies for making loans and grants. It also requires DECD's Office of Small Business Affairs to provide information that helps small businesses bid on state and local contracts.

The bill expands the Urban and Industrial Sites Investment program, which currently provides up to \$100 million in business tax credits for investing in projects to construct new facilities or improve existing ones. Taxpayers claim a portion of the credits over 10 years according to a statutory schedule. The bill authorizes reduced credits for redeveloping vacant buildings in larger municipalities, but allows taxpayers to claim them at a faster rate. The credit amount and schedule depend on a building's size and the subsequent reuse.

Lastly, the bill requires agencies to explain why a proposed regulation deviates from related federal procedures and standards and

specifies when and how they must do so.

EFFECTIVE DATE: October 1, 2015, except the changes to (1) the Small Business Express Program take effect July 1, 2015 and (2) Urban and Industrial Sites Investment Program take effect on July 1, 2015 and are applicable to income years beginning on or after January 1, 2015.

## **§1—SMALL BUSINESS EXPRESS PROGRAM**

The bill makes programmatic and structural changes to the Small Business Express Program that (1) expand eligibility, (2) reduce minimum loan amounts, (3) decentralize decision making to regional entities, (4) add new lending components, and (5) identify and target underserved populations.

### ***Expanded Eligibility***

The bill makes more businesses eligible for Express loans and grants. Under current law, a business qualifies for Express funding if it:

1. employs fewer than 100 employees during at least half of its working days during the preceding 12 months,
2. operates in Connecticut,
3. has been registered to do business here for at least one year, and
4. is current on all state and local taxes.

The bill eliminates the criterion that limits eligibility to businesses that have been registered to do business in Connecticut for at least one year, thus making newly formed businesses eligible for Express financing. The bill also allows businesses that employed more than 100 employees before they applied for Express financing to qualify for such financing if, when they apply for such financing, have fewer than 100 employees.

### ***Reduced Minimum Loan and Grant Amounts***

The bill also makes Express available to businesses seeking loans or

grants for relatively small amounts. Current law sets minimum and maximum amounts for the program's loan, job incentive loan, and matching grant components. The bill reduces the minimum amounts for each component from \$10,000 to \$1,000 (see BACKGROUND).

### ***Decentralized Program Administration***

The bill requires the commissioner to use nonprofit organizations that operate economic development programs on a regional basis to review and approve some Express loan and grant applications. The commissioner must do this by allocating at least 10% of the available funds to these agencies and providing them with guidelines for performing these tasks and specifying the maximum amount they may charge borrowers for administrative costs.

The regional agencies must annually report to the commissioner by April 1 on (1) the number of applicants they received, (2) the number and types of businesses that received assistance, (3) the amounts and types of assistance they received, (4) the total number of people each business employed and the number of jobs they proposed to create or retain, and (5) their most recent job totals. The commissioner must include this information in her annual report to the legislature on the Express Program.

### ***New Collaborative Funding Components***

The bill requires the commissioner to establish two funding components and to do so in collaboration with private lenders doing business in Connecticut. She must establish a loan fund for acquiring or purchasing machines and equipment, constructing facilities or making leasehold improvements, covering relocation costs, providing working capital, or covering other business-related expenses the commissioner approves, activities which currently qualify for financing under Express' loan program. The commissioner must allocate up to 10% of Express funds for regional administration.

The bill specifies no loan or interest limits or repayment terms. Presumably, she would determine these requirements in collaboration

with the participating lenders.

The commissioner must also establish in collaboration with these lenders a program to guarantee the loans they make to business startups in municipalities with over 70,000 people (Bridgeport, Danbury, Hartford, New Britain, New Haven, Norwalk, Stamford, and Waterbury) (CT Financial Assistance for Start-ups or CT FAST). The commissioner must allocate \$5 million in Express funds to this component.

Under this component, she may guarantee up to 70% of a loan that meets the bill's criteria. The loan amount must be between \$10,000 and \$50,000, and the borrower must repay it within 10 years. The borrower may use the loan proceeds to:

1. acquire real property,
2. remediate brownfields,
3. acquire machinery and equipment,
4. fund construction and leasehold improvements,
5. refinance existing debt, and
6. purchase inventory.

The commissioner can combine this guarantee with any other type of assistance provided under the Express Program.

### ***Underserved Populations***

The bill requires the commissioner, in consultation with "community leaders," to identify people in municipalities with over 70,000 that have been underserved by the Express Program. The commissioner may give these groups priority for Express funding, and she must report on her efforts to identify and serve them in the program's annual report.

## **§ 2—OFFICE OF SMALL BUSINESS AFFAIRS**

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The bill expands the duties of DECD's Office of Small Business Affairs, which, among other things, includes providing a single point of contact for small businesses seeking financial and technical assistance from state agencies, and maintaining an informational webpage listing the resources available to small businesses. Under the bill, the office must also provide information on the process small businesses must follow to bid on state and municipal contracts.

The bill also requires the office to describe annually the number and types of business that sought its help and include that information in DECD's annual report. Under current law, the office must annually summarize all available small business activities and programs by February 1 for inclusion in that report.

### **§§ 3-6—FEDERAL DEVIATION ANALYSIS**

State agencies that implement federal policies and programs may have to adopt regulations that relate to federal standards and procedures. The bill requires each agency, before it adopts a regulation, to determine if the proposed regulations deviates from a federal standard or procedure and, if it does, explain, in plain language, how and why it does so (federal deviation analysis). The agency must include that analysis in its regulation-making record and with the proposed regulation it must submit to the Regulations Review Committee. The agency must also make the analysis available to the public when it notifies the public about its intention to adopt regulations.

### **§7—URBAN AND INDUSTRIAL SITES REINVESTMENT TAX CREDITS**

#### ***CT EDGE Projects***

The bill adds a new component to the Urban and Industrial Sites Reinvestment program (UISR), which under current law provides credits against various business taxes for (1) remediating and developing contaminated property in any municipality (i.e., industrial site investment projects) or (2) developing facilities in designated municipalities (i.e., urban reinvestment projects), including state-

designated distressed municipalities. Taxpayers that invest in these projects qualify for credits equal to 100% of the investment, up to \$100 million, and may claim the credits over 10 years, according to a statutory schedule.

The bill's new component provides reduced credits for redeveloping vacant buildings in the 17 municipalities with enterprise zones, but allows taxpayers to claim the credits over a shorter period (CT EDGE Projects). As Table 1 shows, the credit amount and the period for claiming credits depends on the building's square footage and how the rehabilitated building will be reused.

**Table 1: CT EDGE Project Eligibility Criteria**

<i>Eligible Project</i>		<i>Credit Amount</i>	<i>Schedule for Claiming Credits</i>
<i>New Use</i>	<i>Minimum Square Footage</i>		
Affordable Housing (i.e., housing that costs a family whose income is at or below the median income of the municipality no more than 30% of its income)	10,000	30% over 7 years	5% per year, years 1-4  4%, year 5  3% per year, years 6 and 7
Commercial or Industrial	50,000	25% over 5 years	5% per year
Mixed Use	35,000	34% over 7	5% per year, years 1-6  4% year 7

In addition to meeting the above criteria, a proposed CT EDGE project must show that it:

1. adds significant new economic activity in the host municipality and will generate significant additional state and local tax

revenue;

2. needs the credits to attract private investment to the municipality;
3. is economically viable;
4. will produce enough direct and indirect benefits to outweigh its cost; and
5. is consistent, in the DECD commissioner's judgment, with the state's and the municipality's strategic economic development priorities.

Developers must spend the funds invested in a CT EDGE project on the same kinds of development activities that qualify for credits in industrial site investment and urban reinvestment projects.

### ***Investment Channels and Thresholds***

The channels and thresholds for investing in CT EDGE projects are the same as those for investing in industrial sites and urban reinvestment projects.

1. A taxpayer may directly invest in a CT EDGE project if its total investment is at least \$5 million. This threshold drops to \$2 million for projects that preserve and redevelop historic property for mixed uses that include at least four housing units.
2. The taxpayer may also invest in the project through a fund operated by a state-registered fund manager if the fund has at least three qualifying investors and its total assets exceed \$60 million in the first year the taxpayer claims the credits.
3. Lastly the taxpayer may invest any amount through an entity created to receive federal New Markets tax credits (i.e., community development entity (CDE)).

### ***Applying for Credits***

Taxpayers, fund managers, and CDEs investing in CT EDGE projects must apply to the DECD commissioner for the credits. In doing so, they must meet the same criteria that apply to industrial sites and urban reinvestment projects. They must specifically:

1. show that the proposed project meets the bill's criteria for CT EDGE projects,
2. describe the type of investment they propose to make,
3. indicate the project's location,
4. identify the number of jobs the project will create or retain,
5. describe the physical infrastructure that may be created or preserved,
6. provide feasibility studies or business plans,
7. project the amount of state revenue the project will generate, and
8. provide other information demonstrating the project's financial viability and showing how it will benefit the state's economy and create jobs for state and municipal residents.

### ***Commissioner Review and Approval***

CT EDGE projects must meet the economic impact criteria that apply to industrial sites investment and urban reinvestment projects. The DECD commissioner must determine if the project meets the eligibility criteria and needs the credits to be economically viable. She also must demonstrate how the project will affect the municipality, the extent to which it will create new jobs and produce other economic benefits, and whether it conforms to the State Plan of Conservation and Development. She can require the applicant to provide any additional information she needs to evaluate the application.

In reviewing the project, the commissioner must prepare a revenue impact assessment to estimate the state and local taxes the project will



generate and prepare a study to determine the project's economic feasibility. She can hire people to prepare those studies and charge the applicant for the cost. In most cases, the commissioner cannot give credits for an amount that exceeds the total tax revenue the project will generate.

The commissioner can approve the applicant's proposed investment if she decides that the project meets the act's criteria. When deciding whether to approve the project, she must consider the information contained in the application, the revenue impact assessment, and any additional information she required.

The commissioner must decide whether to approve the application within 90 days after she receives it. If she rejects the application, she must identify its defects and explain the reasons for rejecting it. She must issue an eligibility certificate if she approves the application.

The commissioner can use her existing powers when approving the application. These include extending other types of economic development assistance, such as grants, loans, and loan guarantees.

### ***Legislative Review and Approval***

The bill subjects CT EDGE projects to the same legislative review and approval requirements that apply to industrial sites and urban reinvestment projects. The commissioner must obtain legislative approval for any single CT EDGE project that she approves for more than \$20 million. She must do so by submitting the project to the Finance, Revenue and Bonding Committee, which has 30 days from the submission date to recommend whether the credits should be approved.

The commissioner can resubmit the project if it is altered in any way, or withdrawn, after she first submitted it, and gives the committee another 30 days from the resubmission date to act on the project. The committee tacitly approves the project if it fails to act on it within this period.

The House or Senate has 30 days after the committee makes its recommendations to meet and disapprove the credits. If they do not do so, the commissioner may grant the credits.

### ***Claiming the Credits***

The bill allows taxpayers to claim credits for CT EDGE projects the same way they claim credits for industrial sites and urban reinvestment projects. A taxpayer cannot claim Enterprise Zone or Insurance Reinvestment Act credits for the same investment.

For corporation taxpayers filing a combined return, the revenue services commissioner can treat them as one taxpayer. In these cases, the credit applies only to the amount of the combined tax attributable to this single taxpayer. The combined tax attributed to each taxpayer must be in proportion to its share of the corporation's net income apportioned to Connecticut. Each taxpayer must disregard any net loss apportioned to Connecticut when computing its share of net income.

### ***Assigning Credits***

Current law allows taxpayers with tax credits for industrial sites and urban reinvestment projects to assign them to other taxpayers, which may claim them only during the same tax year that the assigning taxpayer would have been eligible to claim them. The bill extends this right to taxpayers with credits for CT EDGE projects. As under current law, the taxpayer fund receiving the credit must give the revenue services commissioner information about the assignment, including the names of the businesses that held the credit at the end of the previous calendar year, if he requests it. Credits can be carried forward and applied to future taxes for up to five years.

### ***Recapturing Credits***

The bill extends current law's credit recapture requirements to taxpayers who claim credits for investing in CT EDGE projects. A taxpayer must recapture (repay) the credit if the project fails to generate the projected revenue. The DECD commissioner may annually determine state revenue each project generates and will

continue to generate. If the analysis shows that the project is not generating enough revenue to cover the total value of the credits that were actually claimed, the commissioner can determine the recapture amount and revoke the project's eligibility certificate. The taxpayer can claim no more credits unless the commissioner reinstates its eligibility certificate.

The law specifies the formula for determining the recapture amount and the conditions a taxpayer must meet before the commissioner can reinstate its eligibility certificate.

## BACKGROUND

### ***Small Business Express***

As Table 2 shows, the Small Business Express Program consists of three components—loans; job incentive loans, the payments for which may be deferred or forgiven if the business meets job targets; and matching grants.

**Table 2: Small Business Express**

<b><i>Program Requirements</i></b>	<b><i>Program Component</i></b>		
	<b><i>Loan</i></b>	<b><i>Job Incentive Loans</i></b>	<b><i>Matching Grant</i></b>
Eligible Expenditures	Machinery & equipment Construction or leasehold improvements Relocation expenses Working capital Other commissioner-approved business expenses	Training Marketing Working capital Other commissioner-approved business expenses	New or ongoing training Working capital Machinery & equipment Construction or leasehold improvements In-state relocation Other commissioner approved business

			expenses
Current terms or conditions	\$10,000 to \$100,000 loans  Up to 4% interest  Maximum 10-year term	\$10,000 to \$300,000  Up to 4% interest  Maximum 10-year term	\$10,000 to \$100,000  Commissioner can waive matching grant requirement for working capital for businesses in distressed municipalities

**COMMITTEE ACTION**

Commerce Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/19/2015)